

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.40126 of 2008

JAI PRAKASH TIWARY,

son of Lallan Tiwary,
resident of Village Narhan,
P.S. Ramgarh, Distt. Kaimur

-----Petitioner

Versus

STATE OF BIHAR

2. 10.12.2008 Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Ramgarh P.S. Case No.08 of 2008 for the alleged offences registered under sections 341, 323, 504, 420, 467, 468, 471 and 379 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the petitioner at the material time was the Mukhiya of the concerned Gram Panchayat. It is further submitted that the petitioner is not an appointing authority. It is the Child Development Project Officer (CDPO), who appoints the Angan Bari Sewika. So far as this petitioner is concerned, the allegation is that the meeting of the Gram Sabha was postponed and the same was announced by the petitioner. Further it is submitted that the five persons have to be selected, but seven persons are alleged to have been selected and in that connection the allegation is that the appointment of one Manju Devi was made fraudulently. The learned counsel submits that so far the petitioner is concerned, the allegation of fraudulent appointment is not against this petitioner. Besides the above, it is submitted that the matter was inquired into by the District Magistrate, who passed the order, as

contained in Annexure 2, to the effect that the appointment made in favour of Sanju Chaudhary was in order.

The learned APP appearing for the State submits that the appointing authority is the CDPO.

Considering the facts and circumstances, let the petitioner above named, in the event of his arrest or surrender in connection with Ramgarh P.S. Case No.08 of 2008 within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhabua, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.



PNM

(Shailesh Kumar Sinha, J.)